

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 860

Introduced by Senator Bowen

February 22, 2005

~~An act to amend Section 6140 of the Business and Professions Code, to amend Section 1050.5 of the Fish and Game Code, and An act to add Section 6167 to the Government Code, relating to credit cards.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 860, as amended, Bowen. Credit card processing fees: state agents.

Existing law authorizes state and local agencies and courts to provide for payment by credit card for specified services or obligations under prescribed conditions, which may include the imposition of a fee or charge for costs.

This bill would prohibit ~~any state agency~~, the University of California, the California State University, *and the community colleges*, or an agent of one of these entities that accepts a credit or debit card from imposing any processing fee or charge for the use of a credit card or debit card if that fee or charge is not also imposed upon persons who pay for the same service or obligation by cash or check.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 6140 of the Business and Professions~~
- 2 ~~Code is amended to read:~~

1 ~~6140. (a) The board shall fix the annual membership fee for~~
2 ~~active members at a sum not exceeding three hundred ten dollars~~
3 ~~(\$310).~~

4 ~~(b) The annual membership fee for active members is payable~~
5 ~~on or before the first day of February of each year. If the board~~
6 ~~finds it appropriate and feasible, it may provide by rule for~~
7 ~~payment of fees on an installment basis with interest, by credit~~
8 ~~card, or other means, and, to the extent not prohibited by Section~~
9 ~~6167 of the Government Code, may charge members choosing~~
10 ~~any alternative method of payment an additional fee to defray~~
11 ~~costs incurred by that election.~~

12 ~~(c) This section shall remain in effect only until January 1,~~
13 ~~2006, and as of that date is repealed, unless a later enacted~~
14 ~~statute, that is enacted before January 1, 2006, deletes or extends~~
15 ~~that date.~~

16 ~~SEC. 2. Section 1050.5 of the Fish and Game Code is~~
17 ~~amended to read:~~

18 ~~1050.5. The department may accept a credit card charge as a~~
19 ~~method of payment. Any contract executed by the department~~
20 ~~with credit card issuers or draft purchasers shall be consistent~~
21 ~~with Section 6159 of the Government Code. Notwithstanding~~
22 ~~Title 1.3 (commencing with Section 1747) of Part 4 of Division 3~~
23 ~~of the Civil Code, the department may, prior to January 1, 2006,~~
24 ~~impose a surcharge in an amount to cover the cost of providing~~
25 ~~the credit card service, including reimbursement for any fee or~~
26 ~~discount charged by the credit card issuer.~~

27 ~~SEC. 3.—~~

28 ~~SECTION 1. Section 6167 is added to the Government Code,~~
29 ~~to read:~~

30 ~~6167. Notwithstanding any other provision of law, if a state~~
31 ~~agency, the University of California, the California State~~
32 ~~University, or the community colleges, or an agent for one of~~
33 ~~these entities accepts a credit card or debit card as payment for~~
34 ~~any state service or obligation, that state agency, university~~
35 ~~university, community college, or agent shall not impose any~~
36 ~~processing fee or charge for the use of that card that is not also~~
37 ~~imposed upon persons who pay for the same service or obligation~~
38 ~~by cash or check.~~